



International
Labour
Organization

Strengthening labour inspection systems for increased compliance with labour law through development cooperation



► Labour administration and labour inspection institutions are essential to ensuring compliance with national labour law

Labour administration and labour inspection are underscored by the [ILO Centenary Declaration on the Future of Work](#) (2019) as important institutions of work for promoting decent working conditions and enforcing legal provisions, thus ensuring the respect of fundamental principles and rights at work and promoting safe and secure working environments. Nonetheless, achieving compliance with national labour law remains a challenge for all ILO Member States.

The COVID-19 pandemic significantly disrupted the work of and with labour administration

institutions, requiring the adoption of new work processes. In its [Global call to action for a human-centred recovery that is inclusive, sustainable and resilient](#) (2021), the ILO notably commits to “strengthen the capacity of labour administrations, labour inspectorates and other relevant authorities to ensure implementation of rules and regulations, especially regarding social protection and occupational safety and health”. The ILO provides targeted and tailored technical assistance to these institutions to ensure they can fulfil their critical role.

“All too frequently, we have witnessed a deterioration of compliance [...] (including) reductions in the number of labour inspectors and inspectorates [...]”

National standards and labour law remain key to regulate the world of work and to guarantee a level social playing field for all; [...] labour administration and inspection, in addition to the judiciary system - are not an outdated notion. They remain indispensable to ensure compliance, provided that they are properly equipped to meet new challenges.”

Guy Ryder, ILO Director General

► The ILO promotes the ratification and effective implementation of ILO Conventions

The ILO [Labour Administration, Labour Inspection and Occupational Safety and Health Branch](#) (LABADMIN/OSH) directly supports Member States towards the ratification and effective implementation of the [Labour Inspection Convention, 1947 \(No. 81\)](#), as well as the [Labour Inspection in Agriculture, 1969 \(No. 129\)](#) and [Labour Administration, 1978 \(No. 150\) Conventions](#).

LABADMIN/OSH is making a significant contribution to the [2030 Agenda](#) with regards to the Sustainable Development Goal on decent work and economic growth (SDG 8). In particular, it directly contributes to protecting labour rights and promoting safe and secure working environments for all workers.

Governance Conventions

The ILO Governing Body has designated four Conventions as governance (or priority) instruments, including the Labour Inspection and the Labour Inspection (Agriculture) Conventions.

Member States are therefore encouraged to ratify them because of their importance to the functioning of the international labour standards system. The ILO [Declaration on Social Justice for a Fair Globalization](#), in its Follow-up, emphasizes the significance of these Conventions from the viewpoint of governance.



The boats inspectors along with ILO representatives on boat inspection at Phuket Fishing pier © ILO

► Labour inspection is essential to the application of labour provisions contained in trade agreements

Effective labour inspection institutions contribute to the protection of labour rights as enshrined in ILO's fundamental Conventions by effectively enforcing national law. In this regard, through technical assistance to these institutions, the ILO assists Member States in strengthening their capacity to adhere to the obligations of the labour provisions in trade agreements. Promoting the

ratification and effective implementation of the ILO's Labour Inspection Convention, 1947 (No. 81) therefore supports the enforcement of national labour law, raising awareness about rights and duties found therein, and the identification of potential gaps between national labour law and international labour standards.

ILO projects strengthen labour inspectorates to increase adherence with trade agreements

The ILO, with support from LABADMIN/OSH, has implemented various development cooperation projects strengthening labour inspectorates in the context of the US-Colombia Trade Agreement; the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) in Viet Nam; the EU General Scheme of Preference (GSP), and in particular GSP+ in Armenia, Madagascar and Côte d'Ivoire; the EU Deep and Comprehensive Free Trade Area in Ukraine and Georgia; amongst others.

► The ILO promotes innovative ways to strengthen labour inspection systems

Through its combined roles of providing advice, guidance, and enforcement of legal provisions, labour inspectorates are at the centre of effective labour law compliance. As important as labour inspection is, however, it cannot ensure a sustained system of respect for established labour rights on its own. For this reason, in recent

years the ILO has taken a fresh look at the issues surrounding labour law compliance with the aim of applying a holistic lens to stimulate closer inter-institutional collaboration and bring new actors to the stage. This vision resulted in the development of a series of innovative approaches and tools to strengthen the work of labour inspectorates:

- **Implementing new regulatory approaches:** The ILO supports the improvements of labour inspection national regulatory frameworks by complementing references to international labour standards (ILS) with novel regulatory options based on comparative practice. Novel regulatory approaches include responsive regulation, focus on achieving better outcomes through simpler and more straightforward compliance expectations and implementing principles of best practice regulation. This new approach is considered both in the assessment of labour inspectorates, as in **Montenegro**, as well as when conducting gap analysis of the labour inspection legislation against ILS, as in **Mongolia** and **Madagascar**, among others.

- **Improving planning and inspection methods** using the [Strategic Compliance Intervention Model](#). The number of workplaces subject to inspection dwarfs the resources available to inspect them. The growth of non-standard forms of employment, global supply chains and new technologies, all enable the introduction of new business models which potentially give rise to new work-related hazards — all of which outpace the evolution of the legal authority and enforcement tools available to the labour inspectorate. The ILO supports labour inspectorates to achieve compliance despite limited resources and mismatched powers by planning strategically. Strategic Compliance Planning (SCP) is characterized by evidence-led targeting of likely noncompliant economic sectors and unique interventions designed specifically for the sector's compliance issues. It engages a variety of traditional and non-traditional stakeholders, including inter-institutional collaboration, to enhance its reach and impact and by doing so achieves a ripple effect of inspection actions, and thus, a higher level of compliance. In addition, the ILO also assists labour inspectorates with procedural aspects of planning and other managerial processes.

Scaling up the Strategic Compliance Planning Model

In 2021, [nine countries](#) (Botswana, Colombia, Eswatini, Indonesia, Ivory Coast, Madagascar, the occupied Palestinian territory, Tanzania, and Zambia) were actively engaged in the implementation of strategic compliance plans across various economic sectors. In these nine countries, labour law compliance increased by 39% in the targeted sectors, improving working conditions of an estimated 108,090 workers. Another eleven countries were working on the preparation of strategic inspection plans and six new countries requested Office support in this area.



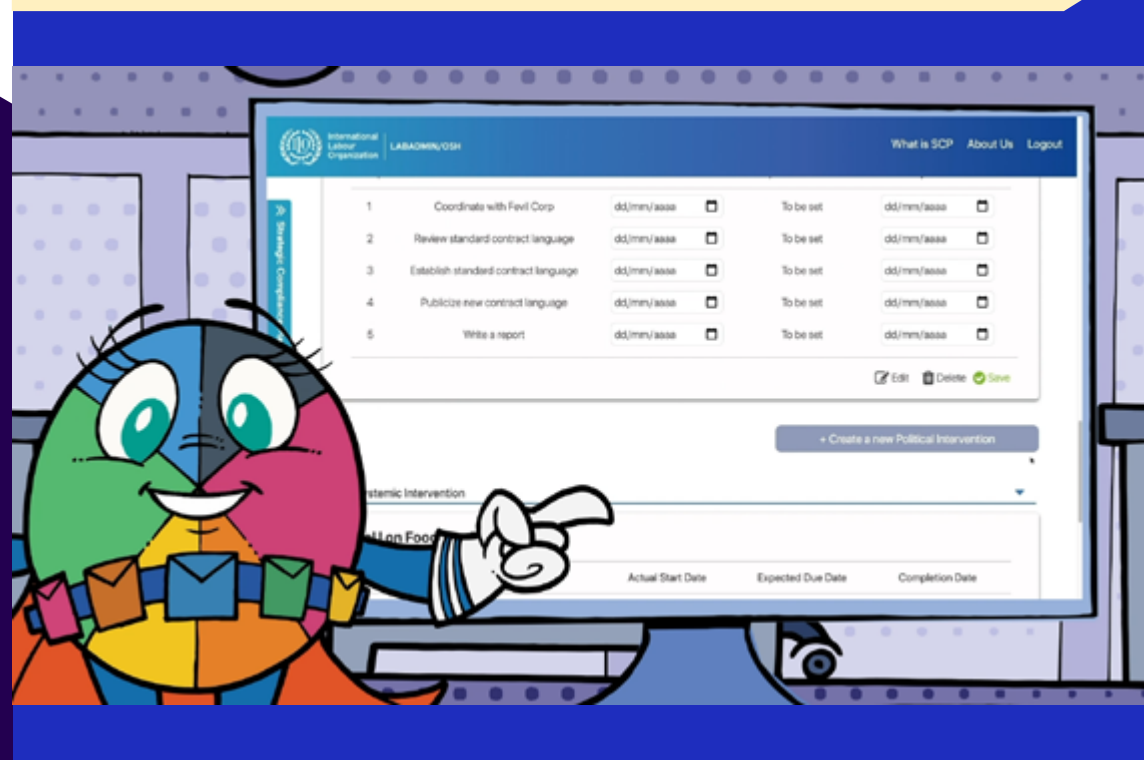
Labour inspection visits in Madagascar @ ILO/Maxime Fossat

- **Developing modern information management systems:** The COVID-19 crisis exposed global disparities in the access of labour administration and inspection institutions to modern and resilient technology. The ILO, through [LABADMIN/OSH and the Transformative Technology for Decent Work \(TT4DW\)](#) initiative, works with labour administration and inspection institutions to harness the power of digital technology. The initiative supports the development of electronic case management systems (ECMS), building on the ILO's successful experience in **Bangladesh, Colombia, Philippines and Sri Lanka**, pilots reimaged technologies, conducted research and promoted knowledge sharing on innovative use cases from around the world.

Leveraging technology for more efficient labour inspectorates

TT4DW launched the first ever virtual space for labour inspectorates to design Strategic Compliance Plans (SCP). [The Strategic Compliance Portal \(SCP Portal\)](#) is a password protected virtual space for the design and implementation of SCPs. The SCP Portal enables labour inspectorates of Member States to develop and analyse results of interventions designed to promote labour law compliance and Decent Work (SDG 8) in targeted sectors. An interactive dashboard enables visualization of key harmonized labour inspection statistics. Data analytics promotes evidence-based decision-making to support the design of future interventions.

TT4DW repurposes and pilots innovative technology in the service of labour administration and inspection. The DecentWorkChatbot is a public platform to identify decent work deficits throughout the national value chain. The chatbot seeks to empower actors along the value chain not normally reached through standard survey methods. The "crowd" identifies actual occupational safety and health (OSH) deficits, information about businesses processes, or models in the targeted value chain that may serve as an early warning of OSH risks. The data can then be used to develop a strategic approach to promoting compliance and enhancing safety and health.



Strategic Compliance Portal @ ILO

- **Building the capacity of labour inspection officials in a sustainable manner:** Labour inspectors are agents for social progress, but due to inadequate training, many of them lack the capacity to carry out their core functions. This affects their confidence to conduct proper inspections, to provide legal and technical advice to employers and workers, and to build adequate responses in case of violations and impose sanctions. Through the development and implementation of context-tailored training programmes in which labour inspectorates are fully involved, the ILO contributes to the strengthening of labour inspectors' abilities by updating their knowledge and skills in a comprehensive manner.

Supporting innovative collaborations among labour inspectorates

The ILO has facilitated exchanges among labour inspectorates from developing and industrialized countries through mentoring study visits, which was highly valued by all participants. A study tour to the neighbouring French island of Guadeloupe enabled the **Haitian** labour inspectors to learn from the experience of the French labour inspection service, in terms of inspection methodology, managing the process surrounding inspection visits, particularly in terms of preparation and follow-up. Following the initial visit, [the two labour inspection authorities](#) continued their cooperation, leading to a training of trainers targeting the Ministry of Social Affairs and Labour managers along with selected Haitian and French inspectors.

Based on this successful experience, further [collaboration between the French island of Réunion and Madagascar](#) was established. As a result, the Malagasy labour inspectors familiarized themselves with a fully operational labour inspection system, gaining more clarity about their role and powers, and learning how to better prepare inspection visits, and identify partners with whom to collaborate to increase compliance with labour law. In both the Haitian and Madagascar examples, labour inspectors who benefited from these exchanges were able to roll out further training to their peers.

- **Strengthening cross border cooperation and collaboration amongst Labour Inspectorates at regional level,** as a key improvement to reinforce the efficiency of the different national systems with similar challenges: The ILO contributes to strengthening the institutional capacity and comparative knowledge of the labour inspectorates in the **West Balkans** in the fight against undeclared work, and in the promotion of decent OSH conditions in the construction sector. To this end, different exchanges of experiences and good practices in the region have been organized, and common regional inspection campaigns developed, using the same guidelines and materials.
- **Extending the labour inspection to the informal economy:** The informal economy comprises more than half of the global labour force and more than 90% of micro and small enterprises worldwide, especially in industrializing countries. In these countries, the protection provided by regulatory systems may not apply in law or in practice to informal economic units and workers therein; the scarce resources of enforcement agencies along with the particular challenges related to the informal economy may also lead governments to concentrate their efforts in formal enterprises. To address these challenges, the ILO developed and [implemented in selected African countries a practical and participatory method](#) to broaden the application of labour law for the protection of all informal economy workers.

- **Promoting better coordination between the labour inspection services and other institutions, including the judicial authorities:** ILO projects favour comprehensive technical assistance, which addresses capacity constraints in labour inspectorates and related public institutions in an integrated manner. Based on successful experiences, ILO projects favour the active involvement of judges and lawyers in their activities in order to ensure the effective enforcement of the labour law. A participatory approach is used for developing guidelines and training manuals, thus ensuring their contextual relevance for the judicial authorities. This comprehensive approach can be further expanded by promoting exchanges of experiences between judges and inspectors and/or judges and lawyers.

Effective complementarity of courts and labour inspectorates

In various countries, through projects support, efforts have led to increased collaboration between these institutions. In [Georgia](#), training programmes were organized by the High School of Justice for judges on International Labour Standards (ILS), resulting in an increasing number of judgements referring to ILS. In [Serbia](#), mutual learning workshops have led to the development technical notes for judges with recommendations on how to improve the effectiveness of the labour administration and the judiciary to deter undeclared work. In [Colombia](#), specific tools were developed that helped judges to review administrative appeals of sanctions imposed by labour inspectors for cases of ambiguous and disguised employment relationships. The Consejo de Estado, used the legal interpretation in these tools when it upheld the first ever sanction (\$1.1 million USD) imposed under the law. In [Ethiopia](#), the labour inspectorate held a series of meetings with judges to jointly develop guidance materials and a toolkit to expedite the submission of cases for prosecution of noncompliance under national labour law.



Training of labour inspectors in the forestry industry in Ukraine @ ILO



Labour inspection visit in Haitian garment factory @ ILO/Thomas Freteur

- **Creating constructive and positive relationships with social partners:** Social partners have a key role in the development of a culture of workplace compliance. Through project interventions, the ILO aims to expand employers' and workers' cognizance of how workplace compliance with labour law is necessary to ensure decent working conditions, and how it can lead to greater productivity. In particular, workers' organizations can play an active role by filing claims, representing workers, and collaborating with the inspectorate in investigations. The projects also promote employer organizations' to provide training to enterprises on legal responsibilities and effective compliance policies.

Social partners contribute to build effective labour inspection systems

In **Colombia**, training of workers on labour inspection tools made them active actors in addressing the use of ambiguous and disguised employment relationships, resulting in the formalization of selected sectors of the economy, such as the palm oil, port and mining sectors. In **the Philippines**, training of trainer programmes capacitated both workers' and employers' organizations to facilitate their active participation in labour inspection visits and to promote compliance with labour law at the workplace level. In **Tanzania**, the labour inspectorate is directly engaging with trade unions at workplace, district and regional levels in order to support labour inspection visits.



Strategic compliance activity in the agriculture sector in the Philippines @ ILO

- **Forging new partnerships with UN agencies to address labour compliance issues:** Compliance with labour legislation is gaining interest beyond traditional actors both at national and global level. Recent experience through projects shows that there are opportunities to enhance coordination efforts with other UN agencies, thus recognizing the importance of regulating labour relations, conditions and disputes, and contributing to the objectives of the [Decent Work Agenda](#).

► The ILO provides technical assistance to countries through development cooperation projects

Technical assistance to countries is provided through a variety of interventions according to the specific needs of the institutions, and taking into account the diversity of legal and administrative systems. Since 2015, LABADMIN/

OSH has supported the implementation of projects focusing on promoting compliance with labour laws in more than 24 countries across four continents, notably as part of the Flagship programme [Safety + Health for All](#).

Safety + Health for All: A global ILO programme for positive change

SAFETY + HEALTH FOR ALL

With the objective of improving workers' safety and health worldwide with a focus on prevention, this ILO Flagship Programme mobilizes government institutions, employers' and workers' organizations and other key stakeholders to implement strategic interventions at enterprise, sectoral, national and global level. Responding to specific needs identified by constituents, priority is given to low and middle-income countries, high-risk sectors, recurrent and new OSH challenges and workers that can find themselves in vulnerable conditions. The Programme addresses the particular needs and challenges of micro, small and medium-sized enterprises (MSMEs) as well as OSH issues in enterprises that are part of supply chains.

The ILO's compendium of good practices, [Building a culture of workplace compliance through development cooperation](#), presents eleven successful practices, drawn from various ILO projects, to build a culture of compliance through development cooperation. These projects, in particular in **Bangladesh, Colombia, Georgia, Haiti, and the Philippines**, have been successful thanks to the development and the application of effective and innovative practices in terms of improvement of work processes, training of labour inspectors and the judiciary, and the promotion of social dialogue. These good practices have guided the design of subsequent

projects, especially the USDOL funded projects launched this year in **Armenia, the Democratic Republic of Congo, Kenya, Indonesia** and in **the Philippines**.

Nonetheless, additional efforts are needed to ensure that the labour rights of workers are appropriately protected around the globe.



labour inspectors on a construction site in Madagascar @ ILO

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